G R S App Γ IX 4]

1947 - 48

File No 58-47

Previous References Contains enclosures also

Serial Nos 11 12

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Two

Part B for Feby 48

SUBJECT

Proposal of the Shimoga Town Municipal Council to levy Sanitary Cess at the rate

R 13659-6 9.12.47

The D C Shimoga

Director

in reply

Comptroller to

Sanction re

From The D C Shimoga Dt-

No C1-64/44 & 24-4-45-

Rs. proposal of the Shimoga Town Mul cl to levy Sanitary cess at the rates noted thereon in Shimoga Town

1) subject -

The proposal re bye-laws framed for regulating conservancy and sanitation at the places has been submitted separately

2) The 17 rates & the Rules framed for the levy of special Sanitary cess at ~~the place~~ Shimoga may be referred to the Law section for favour of Scrutiny & early return

ADDITIONAL SECRETARY No 2208 Dt 18/10 GOVT. HOUSE

Mra 12/10 (45-Addl Secy)
14/10

3) 18/10

4) 21/X

5) This may now be sent to the ~~Pol section~~ Legis 21/10 Branch for favour of Scrutiny

Mra 26/10

6) Asst Secy Legis on wtd 7 11 45

470/RL

573

7) Are any such bye laws in force in any other municipalities of which a copy may be kindly made available for reference

DD
10.11.46

8) Asst Secy (Legislation)

9) As no copy is readily available, a draft letter is put up to the Md Engr Bangalore city calling for a copy

Sd
2.7.11

10) p/w/s

Sd/14/VS

11) submitted with a draft letter to the D.C. Chitaldrug to get a copy of bye-laws in respect of Special Sanitary cess in force in the Davangere Mcpl.

Sd
28/3

12) Dsmc

Sd/28/3

To,
The Treasury Asst
Kondur via
Chitaldrug

Lr No 2411 dt 2/4/46.
calls for copy of bye-laws re Special Sanitary cess in Chitaldrug Mcpl

TYPING SECTION
29 MAR 1946
COLLECTED

Encs with C.W
Sd
4/4

573/C

Sanitary cess Bye-laws - Shimoga Town.

Letter no A3 C 5075/45 dt 18/4/46 from the Treasury Asst Commr, Kadur

A 13) A copy of bye-laws regulating the levy of special sanitary cess in the Chickmagalur Town mlpt is forwd

14) Mrs may now be sent to the Legis Section with the above copy for favour of scrutiny of the bye-laws framed by the Shimoga Town mlpt in this respect

15) Subject with reference to para 7 supra

Mrs 26/4 16) P I may up [illegible] 27/4/46

17) The bye-laws proposed by the Shimoga Town mlpt are in order when compared with the Sanctioned bye-laws in force in the Chickmagalur Town mlpt Item 3 of the bye-laws in the Chickmagalur Town mlpt was included as one of the bye-laws proposed by the Shimoga Town mlpt, as the same is omitted

special sanitary cess – Shimoga Mfg by the Shimoga Town Mcl cl

18) As regards the rates proposed to be levied, There are only ~~four~~ two items in the Shimoga Town Mfg, where as in the Chickmagalur Town Mfg there are 6 items This makes no difference

19) In the above circumstances, the bye-laws framed by the Shimoga Town Mfg for levying a special sanitary cess at the places may be approved with the addition of another bye-law as referred to at para 17 supra

Subject to

mra 8/5/46 W/ P/ type a draft of the rules to be approved in the case of the Shimoga Town Mfg

(V & V) 14/5/46

W/ ~~A~~ typed copy is putup

mra 22/5

Typist

please type a copy of V & V and also the schedule appended

mra 15/5

TYPING SECTION
15 MAY 1946
SECTT

573 S 7283

1230/M.

General and Revenue Secretariat | File No | of 194 | [App F III-2

Serial No

24) Lunier. Rules are in force in the Chikmagalur Town Municipality (vide Flap A)

25) The revised Rules relating to the Shimoga Town Municipality are flapped V\

Rejected 7 Supra

Attd Reg. Legislation

Supra

24) under item (c) of Schedule I of the Mysore Town Municipalities Act, a municipal council is authorised to levy a special sanitary cess at the rates not exceeding the maximum rates that may be notified by the Govt from time to time It is not known whether any notifications in this behalf have been issued The rates specified in the Schedule of the draft Rules will be in order if they are within the limits of any such prescribed rates

25) Attention is invited to items (2) and (3) of the Schedule appended to the draft Rules Rates have been prescribed in respect of motor vehicle tax below Rs 10 and below Rs 20 res-

A

E—Contn Sheet

Local Sanitary Cess — Stamping a

7283

File No 1230/RL of 194

General and Revenue Secretariat

Serial No

pectively. Doubts are liable to arise regarding rates where the mohatarfa tax is Rs 10 or Rs 20

5) It is suggested that the substitution of the words' upto and inclusive of" for the word "below" in these items will remove any such ambiguity

7) The suggestion at para 19 for the inclusion of an additional item is a purely administrative matter and does not involve any legal question

24/6/46 BRN 15/6

28) For kindly intimating if any maximum as at A above has been fixed & if so please furnish a copy

Asst Sec, Legislative

Sd/- 24/6/46

Sd/- illegible

1) Sahib No such limit has been fixed as above

JM 16/7/46

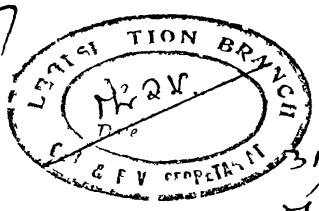
3) No maximum rate has been notified by Govt with regard to the levying of Sanitary cess The rate are charged for each transaction and levied by person receiving payment as the presented, thereby for levying such

7961 *1230 M

taxes would have been observed by the Municipal Councils before submitting proposals for the levy to the Govt

Yours truly
Legislation Branch
16/7/46

SW/18/7



3) Supd with reference to para 28 of the notes supra it is stated at para 30 that no maximum rates re the levy of special sanitary cess have been notified by the Govt and that the rating body in respect of each of the Municipalities

JV 24/7/46 BRW 24/7

3 2) The bye laws are proposed to be made under Section 61 (4) of the Town Municipalities Act Such bye laws have to conform to the Procedure set out in 61 (a) and (b) Section 61 (b) permits a Town municipality to impose taxes at rates not exceeding those prescribed in Schedules I & VI In the present case the cess proposed Special Sanitary Cess Schedule I says that the max rate for the cess shall be at the rate

1230/M

that may be notified by the Govt. from time to time

The above section have stated at para 30 of

these notes that no max rate have been

prescribed by law it does not appear to be

any special rate either fixed for the Shemoga

Town Municipality

1132/
9/17 33) From a reading of the Act, it appears to follow

that the procedure which has to be adopted under

61 (a) and (b) - possible only after the

max or has been fixed by law either

generally or in respect of a particular municipality

The above section both, it appears, be

enforced accordingly

Law Secy)

DRS
25/7/46

Rev Secy
WJL)

34/8K
29/7
29/7/46,

30/7/

35) In view of the legal opinion furnished at paras 32, 33 & 34 supra, it is for orders if maximum rates may be fixed

7961/L

Bye-laws for the levy of special Sanitary cess at Shimoga 6033/2

General and Revenue Secretariat | File No Shimoga of 194 | [App F III-2

Serial No

In the first instance for the levy of special Sanitary cess or whether the rates now proposed by the Shimoga Town Municipal Council may be approved as also the bye-laws framed in that behalf Ref paras 30 Supra

MA 1/8/46

From the President, Town Municipal Council Shimoga
No. C1-84/44-45 dt 20/1/47
Request sanction for the Sanitary cess Rules & and its levy

7962/ On G O No L 7133-4/M 67-46-2320/16 II 46 approved the bye-laws framed by the Shimoga Town Mcpality for enforcing the daily conservancy system in the Town
Subd for orders on the first part of Para 35 Supra

4/2

Pl bring up for inspn
4/2/47

The Rate of the Sanitary cess proposed in the Schedule to the Rules framed by the local Town Council may be approved as Special to the Shimoga Town, as the prescribed formalities in this behalf such as relaxation of the cess under Sec 62 (b) of the Town Municipalities Act of 1933, do have been already observed, as also the Rules appended to the Bye-laws

NOTE—Contn Sheet

General and Revenue Secretariat | File No | of 194 | [App F III–2

Serial No

From — The D C Shimoga

No DD 3 P L 52 4 c 2750/44 8/14/7/45

D's proposals re sanctn re bye-laws framed by the Shimoga Tmn Mal - cl 1) for regulating conservancy and sanitation and 2) for levying special sanitation cess

Ty sect

Kindly make a copy of the D C's letter and a copy of fly R - the letter of the P&C of the Shimoga Tmn Mal

Ma
15/8/45 Ty. Section) 15/8/45

TYPING SECTION 21 AUG 1945 GEN. & REV SECTT

Ty sect—

Kindly make a copy of fly R also

Ma
1/10 Ty sect)

TYPING SECTION 1 Oct 1945 GEN. & REV SECTT

3) Action has been taken to submit the proposal re levying the special sanitation cess separately Mrs may now be sent to the Director of P H

NOTE—Contn Sheet

Bye laws for regulating conservancy & Sanitation in Shimoga Town

573/1

File No of 194

General and Revenue Secretariat

Serial No

for sanctioning the bye-laws framed for regulating conservancy & Sanitation in Shimoga Town and early return

4/ subs

12/10 5/ The Dir of Public Health may be consulted unofficially, if advd 6/ Why should this take three months Overwhelm? DMS

Jan 1611 Addl Secy) DMS 16/X/

No 20 Dt. 40

7/ forwarded unofficially with compliments to the Director of Public Health in the hope of favour of scrutiny & remarks

45-40/45248 29 10 45-

By order

Mysore 17/10/40) for Additional Secretary to Govt

Sec 27/10

W 27/10 1 BS 258/ Encs

8/ Retransmitted with compliments -

The following alternations in the proposed bye-laws may be made and approved

16/1

Para 2 - Between the words "time" and "fixed" add the words "and in such manner as to be"

Para 1 - At the end add "and shall be constructed in such site or in such position and manner only as shall be approved of by the President or the Chief Officer"

Para 9 - At the end add "The walls of the building shall be of brick or stone in chunam morta and plastered with cement 1/2 inch in thickness from the floor level up to a height of 2 feet above the seat level

Para 15 - This rule may be re-written as follows -

(contd)

573

Bye Laws regulating conservancy and sanitation
in Shimoga Town

573
I

Para 15 - This rule may be re-written as follows -

A person who shall construct a privy in connection with a building shall not, without the written permission of the President, construct such privy within a distance of 30 feet away from any well or stream of water used or likely to be used by men for drinking or other domestic purposes

Para 17 — In (Para 15) - Between the words 'infringing' and these add "any of"

Director of Public Health

16/11/46

9) The bye-laws submitted by the Shimoga Municipal Council for regulating the conservancy and sanitation at the place may perhaps be approved with amendments, as proposed by the D P H under para 8 supra subject to

21/2/46. 10) Pl buy upto 25/2/46

11) Necessary corrections are made, as suggested by the D P H the bye-laws may perhaps be approved now

14/3/46

573 992/M

12) In framing clause 4 of the draft by-laws in Step IV care in order (relating to the daily system in Hamilton & Ham whether the words however without ~~other~~ being served with any thereafter written would in by-law no 17 would be in order

[illegible] 1/4/46

4/4/46

MAY [illegible] 13

Bye-law 3 —

The proposed bye-law No 3 provides that the opening of the privy should be constructed according to the approved plan and after obtaining a license under Section 147 of the Town Municipalities Act, 1933, a municipal council has power to direct that licenses should be taken for any of the purposes specified in Section 408(1)(b) It is for consideration if the proposed bye-law, (especially the portion relating to licensing) comes within the scope of the items specified in Section 408(1)(b)

14) Bye-law No 17 :—

under section 170 of the Act a municipal council may direct protection against any person

Bye-laws for regulating conservancy and Sanitation in Shimoga Town

General and Revenue Secretariat | File No 992/M of 194 | [App F III-2

Serial No

for an infringement of any of the provisions of the Act or any rule or by-law This provision does not require the service of a show cause notice as a condition necessary for sanctioning prosecutions Hence the words "even without being served with any show cause notice" appear to be unnecessary

15/ Under item c of Schedule I, a municipal council has power to levy Special Sanitary cesses upto a maximum of "rates that may be notified by the Government from time to time It is not known if any notifications have been issued in this behalf ~~behalf~~

16/ The rates of Special Sanitary cess enumerated in the Schedule have to be worked in the administrative section

JN 12/4/46
BVNV 12/4

17/1 The licensing Proviso Covered by Section 48(1)(b) and Bye law 3 appears to be in order

2 The second sentence of Bye law 4

—Contn Sheet

Serial No

unnecessary as it will be covered by By Law 3
Putting up a flap door being part of the
Construction of a Privy

By law 7 appears to go against By Law 6
under which the duty of removal of nightsoil
is cast on the Municipality and if the
Municipality fails to clear within 24 hours
the owner cannot be penalised By law 7
is more in the nature of a direction to the
Municipality & need not perhaps find a
place here unless the idea is to cast a
Statutory responsibility on the Municipality
Only in such a case the By Laws are
silent as to the relief in a case where
the Municipality fails to discharge the
responsibility Due to Strike of Scavengers for
example

The words "even without being served with
any show cause notice" may be omitted
from By Law 17 as unnecessary Even without
the words show cause notice is not necessary

Schedule Which rate can be fixed
by Govt by notification and whether the
Schedule conforms to such notification is for the
Advocate to examine

Law Secy 16/4/46

S Ö 16/4/46

Returned with instructions
17/4/46

Serial No

18/ As constructed by the Law Secretary ~~(illegible)~~ Sovereign the bye laws have been recast as follows

Bye laws no 1/ ~~Latrines~~ may be recast as follows

Every Privy or latrine to be constructed within the Municipal limits shall be located only on such site and in such position as may be approved by the President or the Chief Officer

Bye law no 2 ~~Privy~~ shall be so constructed as to permit of the daily removal of night soil

3. ~~Privy~~ shall be constructed in accordance with a plan to be approved by and after obtaining a licence from the President or Chief Officer

4 The Privies in existence on the date that these bye laws come into force and constructed with a pit for the reception of night soil shall within — days from the date of coming into force of these rules be so converted ~~into~~ as to permit of the daily removal of night soil and such conversion shall be in accordance with plans approved by the President

5 Every Privy or latrine shall have an opening ~~must~~ on a Conservancy lane (and) such as will permit daily removal of night soil and from such lane such opening shall be Provided with shutters or hasp doors which will when closed, completely close the opening completely

NOTE—Contn Sheet

19/ The other bye laws subject to the changes suggested

Con. Secretary Bye-laws

Shinyanga mlg

File No 992/vol/ 65 of 194

General and Revenue Secretariat

Serial No

In the Rule dated 16 4 46 may remain
20) the repeal & the proposed below 20 4,
appears to be there a fixed time within
which to require old existing bonds to
be converted instead of saying "reasonable
time" as it would lead to differing
interpretations

DDN
31/8/46

Law Secy)

21) Nursery WC) 8K
BLS
Feb
6/8/46

22) The draft bye-laws are revised in view of the suggestions given by the D P H and further modifications proposed by the Law section. The bye-laws will be got typed in the first instance, if approved

Mrs
15/8 23) T S Pl type the
for
13/8/46

x f/g c

By Laws
24) ~~Rules~~ 1 to 5 have been revised as proposed save from 18 hereof necessary corrections have been

TYPING SECTION
15 AUG 1946
GEN & REV SECTT

573/L Conservancy bye-laws Shimoga Mfg

General and Revenue Secretariat | File No | of 194 | [App F III-2

Serial No

2243
2211

by laws
made in other ~~rules~~ views of the legal opinion at para 19 supra
25) Bye-laws no 4, a reasonable time is proposed to be fixed to convert the existing pumps as to permit of the daily removal of night soil - vide para 20 of the notes the time to be fixed here is for orders and the other bye-laws for approval with reference to paras 12, 18, 19, 20 of the notes

Ma 19/8/46 26) The draft by laws as revised may be approved All the modifications suggested by the Law secty have been duly incorporated

new secy for
Minister for Rev & Comns 27) Law 4/9 9/9/46

28) 11/9 Secy 12/9/46

DPH 12/9/46

OFFICE OF THE MINISTER FOR REVENUE
No 1936
Date 11 9 1946

NOTE—Contn Sheet

Conservancy Bye-laws

S 73/45-46 Shimoga mfg

File No of 194 | General and Revenue Secretariat

Serial No

29) A draft G.O. is submitted herewith 12/9 JDM 13/9 for the Legislative Special Sanitary Cess in Town

30) Issue Govt up along with the file relating to the proposed for 1 bly and

TYPIST 17 SEP 1946 GEN. ADMN. SECTT.

To,

The D C Shimoga

The D P H

R 7133-4 & 16-11-46

Sanction the bye-laws with certain modifications

From — The President, Town Municipal council, Shimoga

No C-84/46-5 dt/20 1 47

Requests sanction for levy of special sanitary cess on private latrines conserved by the city

31) The Shimoga Town Municipal council proposed the following to the Shimoga Town mfl council sought the sanction of Govt for —

1) Levy of Special Sanitary Cess at the rates furnished in the schedule annexed to the draft rules framed for the levy of Special Sanitary Cess

2) To the rules framed for the levy of Special Sanitary cess and

3) for the draft bye-laws framed under section 68 (I) (o) of the Town Municipalities Act for regulating Conservancy & Sanitation

32) The draft bye-laws were however approved vide G.O. 7133-4/ml 67-46-23 dated 16 11 46 and sent the Rules for the

992/M 573/65

levy of Sanitary Cess and the Schedule of Rates of the Said Cess

33) Rules have been framed by the Shimoga Town Municipal Council, ~~setting forth the Schedule of Rates~~ for the levy of Special Sanitary Cess and the Schedule of Rates therefor. Necessary formalities for the levy of the cess have been observed, nothing the same for objections if any, ~~against the levy~~

34) The Rate of Cess varies from one Municipality to another and are sanctioned on individual proposals as and when Received by Govt

35) No maximum Rates have been fixed either generally or in Respect of this particular Municipality

Submitted for orders

Re 25/3/67 36) In favour of framing the said Rules framed for the levy of Special Sanitary cess in the Shimoga Town Municipality are all right & may be approved

Portion marked in Red V

MDSR

Legislation Branch

Secretariat

Submitted

Legislation Br 25/3/67 37) The subject matter of this file relates to the Bye laws framed by the Shimoga Town Municipality for enforcing the daily conservancy System in the Town

and the Government order thereon relating to G.O. No. 2 7133-4/ML 67-46-23 dated 16th Nov/1946 As noted in Paras 3 and 30 of Notes Supra there appears to be a separate file in the L.S.G. Branch regarding levy of Special Sanitary Cess in Shimoga Town Independent of this file If approved the L.S.G. Branch will be requested to kindly find up that file also for reference

38) Yes

26/3/47

For kind compliance

27/3

Submitted

39) The file referred to at para 37 of the notes Supra is not easily traceable

15/4/47

40)

Submitted with reference to Paras 36 and 39 of Note Supra 1.

41) The draft rules put up for sanitary (X) relate to the levy of Special Sanitary Cess in Shimoga Town Municipality for the removal of night soil from the private houses The relavent Sections or the matter are under which the Bye-laws are framed are Section 46 (x) and Section 61 (VII) of the Town Municipalities Act-1933 Since Bye laws framed by the Shimoga Town Municipal Council for enforcing the daily Conservancy System at the place sanctioned by Government in G.O. No. 2 7133-4 ML 67 46-23 dated 16.11.1946, the proposed Bye laws for the levy of sanitary cess may also be approved as the formalities prescribed in Section 61 (f) of Town Municipalities Act 1933 have also been Complied with

(X) vide flag V

42) The draft-Bye laws may perhaps be approved with a slight modification of Bye law No 3 In Bye law No 3 provision is made for the stoppage of scavenging work in case of default of the payment of Sanitary cess without notice to the defaulter If is perhaps necessary to give atleast a fortnight's

A

General and Revenue Secretariat | File No 992/M of 194

Serial No

A/

Notice and the Bye-law Modified Suitably

For orders

DR 18/4/47

TRUN 18/4

43) may be approved

A The administrative staff may consider the suggestion

Law Sy) for 1/5

44) SK

2/5

L S G Branch) for 2/5

Mr Srinivasan

for 3/5/47

45) A draft letter to the D C Shimoga Dy calling for the views of the Municipal Council on the proposed amendment to put up for approval or otherwise orders

The 5/5/47

for 4/5/47

The D C - Shimoga

No. L 15762 Dy 10

for Collector

6036

NOTE– Contn Sheet

Levy of Special Sanitary Cess in Shimoga Town

File No of 194

General and Revenue Secretariat

Serial No

From—

The Deputy Commissioner, Shimoga dist

No M3 C 3075/46-47 dated 30-12-47

Furnishes the information called for

47) Ruled - The amendment proposed by the Law Branch at para 42 supra to rule no 3 of the Dfft Rules framed for the levy of Special Sanitary Cess in the Shimoga Town Mlty for the removal of Night Soil from private houses as per Sections 46(4) + 61(VIII) of the Town Municipalities Act 1933 has been agreed to by the Shimoga Town Municipal Council, as resolved in their meeting held on 31-7-47

48) Rule no 3 has since been corrected and now reads as per amendment suggested

49) The recommendation of the D C Shimoga dt is for orders

ls 13/1/48

Fr 15/1/48

49) Dft for levy of Special Sanitary Cess may be for

Ups

for 15/1/48

50) Dft G O ruled for appl

ls 21/1/48

Fr as 1/48

may be appd

reserving for

7264/23/1

22/1/48

O I C OF THE MINISTER FOR LOCAL SELF GOVERNMENT

No 1170

Date 5.5.48

may be appd

Minister

L.S.G.

Appd

15/2/48

26/1/48

27/1/48

WD 0o238—GPB—15 000—8 1-47

367/Jnl

Secretariat.

[illegible]

TYPE
17 FEB 1948

To,

The Deputy Commissioner Shikarpur
The Director of Public Health, Hyderabad

G.O. No L13659-61/Jnl/58-47-12
19-2-48

Although the Rules framed by the Shikarpur Town Municipality

B
1-3-48

GEN & REV SECT
23 JUL 1945
573/L

No.M3 PL 52A c 2750/44-45.
Encl Records.

Office of the Deputy Commissioner,
Shimoga, dated the 14th July 1945.

To Ml 67-46-22

The Legal Remembrancer
& Secretary to Government,
Law Department, Bangalore

Sir,

Sub - Proposals of the Shimoga Town Ml Council 1 Regarding the draft bye-laws framed for regulating conservancy and sanitation and 2 for levying special Sanitary cess - approval of the draft rules framed for the purpose

In forwarding herewith in original letter No C1 84, 44-45 dated 24th April 45 received from the President, Shimoga Town Ml Council on the subjects noted above, I have the honour to state as follows -

The Municipal President states that at present the scavenging system of the town is not working satisfactorily in as-much-as that a large section of the public have been complaining of the conduct of private scavengers He adds that with a view to regulate the conservancy and sanitation in the town and to take under Municipal control the Scavenging of the entire Town, the Bye-laws Committee framed draft bye-laws under Section 48(1)(o) and rules under the said bye-laws under Section 46(L) of the Town Municipalities Act for the levy of Sanitary cess

2 As the Bye-laws committee suggested the levy of the General Sanitary Cess at 0-4-0 per rupee of Tax on buildings and lands, the Municipal Council at its meeting held on 1-3-45, considered the question and passed a resolution to the effect that, a special Sanitary Cess be levied at the rates noted in the margin*, in view of the fact that the realisations in the shape of a General Sanitary Cess at 0-4-0 will be too little to cover the expenditure to be incurred by the Municipality

@ 0-4-0 for every month on each latrin attached to a private house assessed to Mohatafra tax upto Rs 5/0 annum
0-6-0 -do- on a private house assed to Mohatarfa tax of above Rs 5/- and below Rs 10/- per annum
0-8-0 -do- on house assessed to Rs 10/- and below Rs 20/- per annum
1-0-0 -do- on a house assessed to Mohatafa tax above Rs 20/- per annum

5 Rs 2-0-0 per month on each latrine attached to Government and public buildings

for appointing Special staff for the work It was further resolved that the draft Bye-laws and Rules framed for the purpose be published for the General information of the Public

The Municipal President states that action was accordingly taken to publish the marginally noted two draft rules and bye-laws allowing a month's time for the public to prefer objections or suggestions if any in this respect

Draft.

1 Rules for the levy of special Sanitary cess in Shimoga Town
2 Draft bye-laws for regulating conservancy and sanitation

It is stated that as no objections or suggestions were received from the public within the stipulated time either to the levy of the Special Sanitary Cess and to the rules framed in that behalf or to the introduction of the proposed draft bye-laws for regulating conservancy and sanitation the Municipal Council at its meeting held on 18-4-45 has passed resolution to the effect that the draft bye-laws and the rules framed for the purpose referred to above might be passed and that sanction of the Government be obtained therefor

The Municipal President requests that sanction of Government might be obtained to the aforesaid proposals of the Municipal Council

In the circumstances, I request that sanction of Govt may kindly be obtained to the following proposals of the Shimoga Town Municipal Council, viz

1 For levying special Sanitary Cess at the rates furnished in the Schedule annexed to the draft rules framed for the levy of Special Sanitary Cess,
2 to the rules framed for the levy of special Sanitary Cess
3 and lastly for the draft- bye-laws framed under Section 48(1)(o) of the Town Municipal Act for regulating conservancy and Sanitation

Please send with despatch

I have the honour to be,
Sir,
Your most obedient servant

For Deputy Commissioner,
Shimoga District.

crr/2

No. -84/44-45
Encls 25 c Published copies and C R copy

OFFICE OF THE PRESIDENT
TOWN MUNICIPAL CONUCIL

Shimoga, Dated 24th April, 1945

From

THE PRESIDENT
TOWN MUNICIPAL COUNCIL,
SHIMOGA

To

THE DEPUTY COMMISSIONER,
SHIMOGA DIST,
SHIMOGA

1825

Sir,

Subject - Special Sanitary Cess in the Shimoga Town - levy of -
- C -

28 APR 1945

M3

PL 524
44-45

I have the honour to state that a large section of the public have been complaining of the conduct of private scavengers and approaching the Municipality for help The scavengers who are not under Municipal control have been a nuisance in that they do not remove the night-soil to the various appointed places and dump them wherever they like and it is a matter of very considerable difficulty to find out which of them is responsible for the offence With a view to regulate conservency and sanitation in the Town and to take under Municipal control the scavenging of the entire town, the Bye-law Committee of the Municipal Council framed draft Bye-laws under Section 48 (1) (o) and rules under the said bye-laws under Section 46 (h) of the Town Municipalities Act of 1933 for the levy of Special Sanitary Cess and resolved that a general sanitary cess at As 0-4-0 per rupee of Tax on buildings and lands be levied for the purpose

These Bye-laws and Rules were placed before the Municipal Council at their Special General meeting held on 1-3-45 when it was resolved that as the -

realisations in the shape of a general sanitary cess at the rate proposed by the Committee will be too small to cover the expenditure to be - incurred for appointing special staff for the work, a special sanitary cess may be levied at the rate noted in the margin and that the draft bye-laws and rules may be published in the Town calling for objections from the residents

Accordingly, notifications under Sections 48 (2) and 62 (b) of the Town Municipalities Act, 1933 were published in the Town widely by beat of Tom Tom, calling for objections, if any, from the residents, to the proposed bye-laws and the proposed levy of the Special Sanitary Cess in - accordance with the draft rules referred to above As no objections were received from the residents either to the introduction of the proposed draft bye-laws or to the levy of the Special Sanitary Cess and the rules framed in that behalf, the subject was again brought before the Municipal Council at their general meeting held on the 18th instant and it was resolved that the draft bye-laws and rules for the levy of the cess are passed and that sanction of Government may be obtained

Under these circumstances, I request you to be so good as to move the Government to accord sanction to levy Special Sanitary Cess and to introduce the ~~the~~ bye-laws for regulating conservancy and sanitation as proposed by the Municipal Council

Copies of the resolution of the Municipal Council together with the draft bye-laws and rules published in the Town are enclosed herein for kind reference

I have the honour to be,
Sir,
Your most obedient servant

President,
Town Municipal Council
Shimoga

I&P

1 As 0-4-0 for every month on each latrine attached to a private house assessed to chatarfa tax upto Rs 5/- per annum

2 As 0-6-0 for every month on each latrine attached to a private house assessed to Chatarfa Tax of above Rs 5/- and below Rs 10/- per annum

3 As 0-8-0 for every month on each latrine attached to each private house assessed to a chatarfa tax of above Rs 10/- and below Rs 20/- per annum

4 Rs 1-0-0 for every month on each latrine attached to each private house assessed to chatarfa tax above Rs 20/- per annum

5 Rs 2-0-0 for every month on each latrine attached to Government and Public Buildings

Extracts of the Proceedings of the Shimoga Town Municipal Council at its General Meeting held on 18 4 1945

Subject No 295 (a) and (b) ಕರ್ನಾಟಕ ಸಂಸ್ಥಾನಚೀಫ್ ಕಮೀಷ್ನರ್ ಅವರ ಕಾರ್ಯಾಲಯದ ಜ್ಞಾಪನ ಪತ್ರ ಮೂಡಿ ಟಿಂಬರ್ ನಿನಲ್ಲಿ ಪ್ರಚಾರಪಡಿಸಿದ್ದ Khadi ಬಟ್ಟೆಗಳ ವಿಷಯದಲ್ಲಿ ಯಾರಿಂದಲೂ ತಕರಾರು ಬರದೇ ಇರುವ ಕಾರಣ, ಸದರಿ ಬಟ್ಟೆಗಳನ್ನು ಮಂಜೂರಾತಿ ಕೊಡಲು ಮಂಜೂರಾತಿಯ ಕಳುಹಿಸುವ ವಿಷಯ

ಮತ್ತು ಈ ಬಗ್ಗೆ ಹಾಲಿ ತಯಾರಾಗಿ ಪ್ರಚುರ ಪಡಿಸಿರುವ Khadi ರೂಲ್ಸಿನಲ್ಲಿ ಅಡಕವಾಗಿರುವಷ್ಟು ಪ್ರಮಾಣದಲ್ಲಿ ಪ್ರೈಜ್ ಟಾಕ್ಸ್ ಸಂಗ್ರಹಣೆ ಮಾಡುವ ವಿಚಾರದಲ್ಲಿ ಪುರಸಭಾವಾಗಿಗಳಿಂದ ಯಾವ ತಕರಾರೂ ಬಂದಿಲ್ಲವಾದ ಕಾರಣ ಆರ್ಡಿನರಿ ಪ್ರೈಜ್ ಟಾಕ್ಸ್ ವಸೂಲಿ ಮಾಡುವುದನ್ನು ಮಂಜೂರಾತಿ ಕೊಡಿಯುವ ವಿಚಾರ

ನಿರ್ಣಯ - ಆಕ್ಷೇಪಣೆಗಳಿಗಳ್ಯಾರಿಂದಲೂ ಬಂದಿಲ್ಲವಾದ್ದರಿಂದ ಈ ಬಟ್ಟೆಗಳನ್ನು ರೂಲ್ಸಿನನ್ವಯ ಕೌನ್ಸಿಲ್ ನವರು ಮಂಜೂರಾತಿ ಕೊಡಿರುತ್ತಾರೆಂಬುದಾಗಿ, ಸರ್ಕಾರದವರ Sanction ಬಗ್ಗೆ ಕಳುಹಿಸಬೇಕೆಂಬುದಾಗಿ ನಿರ್ಣಯಿಸಲಾಯಿತು

(sd) R.K. Jayalirthachar
President.
TOWN MUNICIPAL COUNCIL
SHIMOGA

" Extract

B Siddappa
President.
TOWN MUNICIPAL COUNCIL
SHIMOGA

Office of the President,
Town Municipal Council,
Dated, Shimoga, 4th March, 45.

Notification No C1-84(a)/44-45 dated 4th March 45
Issued under Section 48(2) of the Town Municipalities
Act of 1933

*****

It is hereby notified for the information of the public that the Municipal Council, Shimoga have framed draft Bye-laws under Section 48 (1) (o) of the Town - Municipalities Act of 1933 for "Regulating Conservancy and Sanitation" in the Town

Any inhabitant of the Town having objections or suggestions with respect to the draft Bye-laws may, within one month from the date of this notification, prefer his objections or suggestions in writing to the undersigned

APPENDED DRAFT BYE-LAWS

for Municipal

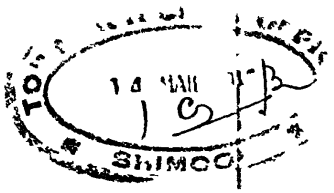
President,
Town Municipal Council,
Shimoga.

84(a)/44-45
Draft Bye laws

Memo

Forwarded to the Mc Sanitary Inspector, Shimoga for wide publication in the Town This should also be published by beat of Tom Tom

President
4/3/45



9 The side and the floor of the chamber for the receptacle shall be constructed of hard, smooth stones or brick work plastered with cement, or other non-absorbent material, and the floor shall be so sloped that any liquid discharged on it shall be rapidly and easily flow to an outlet The walls of the building shall be of brick or stone in chunam mortar and plastered with cement ½ inch in thickness fr

10 Every privy shall be provided with a moveable receptacle to receive night soil with a capacity of not more than one cubic foot.

~~Arrangements must be made for the separation of urine from faecal matter.~~

11. Arrangements must be made for the separation of urnine from faecal matter.

11 12 The owner or occupier of any land on which there is a privy, must have such privy shut out by a sufficient roof and enclosure by non-combustible material or by wall from the view of persons passing by or resident in the neighbourhoods

12 13 The flooring inside the latrine must be made impervious by cement concrete and plastered with cement or by flooring with cuddapah or burnt slabs with neat cement pointings so that water and other watery substance may not accumulate inside

13 14. Every privy shall be so constructed that the bottom of the receptacle for night soil, urine or ablution water, shall be at a level at least two feet above the ground level

A person who shall construct a privy in connection with a building shall not, without the written permission of the President construct such privy within a distance of 30 feet away from any well or stream of water used or likely to be used by men for drinking or other domestic purposes.

15. Every person who shall construct a new privy shall construct the same in such a way that the night soil receptacle shall be at a distance of 10 feet from any public road or place of public resort, 20 feet away from any kitchen, 25 feet away from any place used as human habitation and 60 feet from any well, tank or stream, the water of which is used for drinking purposes

15 16 pucca drain with cement concrete and plastered with cement with proper slope must be constructed and the water of the privy should be let into the conservancy drain through a drain

17. Any person infringing any of these bye-laws is, even without being served with any show cause notice, liable on conviction before a Magistrate, to a fine not exceeding Rs 50/- and in case of continuing offences to a fine not exceeding Rs.5/- for every day during which such infringement continues, provided that the total amount of fine shall not exceed Rs 100/-

TOWN MUNICIPAL COUNCIL
SHIMOGA

-[illegible] under section 48 (1) (o) of the Town Municipalities Act, 1963 for regulating Conservancy and Sanitation

Draft By-laws

Draft By-laws framed by the Town Municipal Council, Chirogata under section 48 (1) (o) of the Town Municipalities Act 1963 for enforcing the daily conservancy system by the Municipal Agency only

1 Every privy or latrine that is to be constructed hereafter in the Municipal limits should confirm to the daily removable system only

2 The privies under pit system, if any, in the private premises should be changed into the daily removal system within a reasonable time fixed by the President

3 The opening of the privy should always be towards the conservancy lane and should be constructed according to the approved plan and after obtaining a license from the President or the Chief Officer

4 The opening of the privy should be capable of daily removal from outside through the conservancy lane and should be provided with good shutters or trap doors so as to completely close the opening The question of granting or refusing a license to put up a trap door will rest with the President

5 All trap doors or shutters for the privies should be preferably made of iron plates of not less than one-eighth of an inch in thickness, soaled in tar both sides The shutters to the trap doors should be fixed so tight to the door frame that no flies or any other disease-carrying insects have an access

6 The Municipality will arrange the removal of night soil through its own agency on payment of the special Sanitary Cess fixed on private latrines

7 No night soil shall be kept in stock in the latrines for more than twenty four hours

8 For every house intended to accomodate 10 persons or less, there shall be at least one privy

with cement with proper slope must be constructed and the water of the privy should be let into the conservancy drain through a drain

17 Any person infringing these bye-laws is even without being served with any show cause notice, liable on conviction before a Magistrate, to a fine not exceeding Rs 50/- and in case of continuing offences to a fine not exceeding Re 5/- for every day during which such infringement continues, provided that the total amount of fine shall not exceed Rs 100/-

President,
Town Municipal Council,
Shimoga

Rules framed for the levy of Special Sanitary Cess in Shimoga Town Municipality for the removal of night soil from the private houses as per Sections 46 (h) and 61 (VIII) of the Town Municipalities Act 1933

****

1 All the private latrines in Shimoga Town shall be got cleaned by the Municipal scavenging staff only maintained by the Municipality on payment of monthly salary

2 Special Sanitary Cess as per schedule noted below shall be paid by the owner or the occupier of the house where latrine is arranged to be cleaned by the Municipal agency

3 The Special Sanitary Cess will be entered against the name of the Khatedar whose duty it is to see that regular payment is made to the Municipality in time The payment will be received from the occupiers or tenants also if they are paid voluntarily but the responsibility of the khatedar does not cease if the occupier or the

tenant fails to pay the Special Sanitary Cess

4 Failure of payment of Special Sanitary Cess shall have the same effect as failure of payment of Mohatarfa taxes and the khatedar or owner of the house is responsible for the payment and his moveable properties are liable for being distrained as if other mohatarfa taxes are due

SCHEDULE

Name of Tax	Classes of property liable	Rates at which classes are liable
Special Sanitary Cess	On all latrines covered by the Municipality except those constructed at the cost of the Municipal Funds	(1) Rs 0-4-0 for every month on each latrine attached to a private house assessed to a mohatarfa tax up to Rs 5/- per annum (2) Rs 0-6-0 for every month on each latrine attached to each private house assessed to a mohatarfa tax of above Rs 5/- and below Rs.10/- per annum (3) Rs 0-8-0 for every month on each latrine attached to each private house assessed to a mohatarfa tax of above Rs 10/- and below Rs 20/- per annum (4) Rs 1-0-0 for every month on each latrine attached to each private house assessed to mohatarfa tax above Rs 20/- per annum (5) Rs 2-0-0 for every month on each latrine attached to Government and Public Buildings

President,
Town Municipal Council,
Shiroda

D O No **C1-84/44-45.**

OFFICE OF THE PRESIDENT
TOWN MUNICIPAL COUNCIL
SHIMOGA

M NARASIMHA KAMATH ESQ
PRESIDENT

B A B L

Date 11th Novr. 1946.

Dear Sir

Subject - Proposal of the Shimoga Town Municipal Council regarding draft Bye-laws framed for conserving private latrines through Municipal agency, regulating sanitation and levying Special Sanitary Cess.

****

Kindly permit me to bring to your notice the Shimoga District Deputy Commissioner's letter No. M3.P L 524-C 2750/44/45 dated 14-7-45 to the Revenue Secretary on the above subject and to state as follows:-

The public have been complaining of the conduct of the scavengers they have employed regarding the irregular cleaning of their latrines and appealing for help of this Municipality to get this work done through its agency. The private scavengers have not only been causing great nuisance to the residents of houses by not attending to cleaning regularly of their latrines but also rendering the town very insanitary by dumping night soil by the sides of roads and conservancy lanes

-2-

~~Secy who was Consulted on the opinion matter has considered~~ the effect that the provision

Several warnings and punishments to these people have had not the desired effect and their filthy acts have been causing injury to public health in general

The townspeople have been making loud complaits that this Municipal Council has not, so far taken any measures to redress their grievances in this behalf.

Under the circumstances, I request you kindly to sanction the proposal of this Municipal Council early.

With regards

Yours Sincerely,

To

J Appaji Gowda Esq. B A (Hons)
Minister for Revenue,
Government of Mysore,
BANGALORE

No L 15762 / W.R.
d 10 5 1947

To
The Dc- Shimoga Dt

Subject Levy of Special Sanitary Cess on the Shimoga Town Municipality

Sir,

Adverting to G.O. No ~~[illegible]~~ L 7133-41 ml 67-47-23 dated 16 11 46 Sanctioning the draft Bye-laws for enforcing the daily Conservancy System on the Shimoga Town, I am directed to state that the President, Town Municipal Council, Shimoga has sought Sanction & Confirmation to the Rules for the Levy of the Spl Sanitary Cess framed under Sec 46 (h) of the Town Municipalities Act 1933 (Copy enclosed) The Law ~~Officer who has Consulted on the~~ opinion to the effect ~~matter has Concluded~~ that the provision

note
In Rule 3 for the Stoppage of
Scavenging work in Case of default
to pay the Cess, in that note to
the default the Ryotwars to be
Slightly modified so as to give
the defaulter at least a fortnight
~~I find a fortnight~~ before the Scavenging
work is Stopped

I am to Request you to kindly
obtain the Views of the Municipal
Council on the proposed amendment and
Submit the Same to Govt with
your Remarks thereon

Records accompanies for Reference
and Return

I have &c
for
Jt Rev Secy
to
Govt
s/s

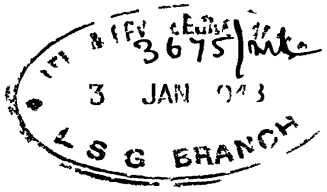
No
Encls

OFFICE OF THE PRESIDENT
TOWN MUNICIPAL CONUCIL

Shimoga, Dated 29th December, 194

From

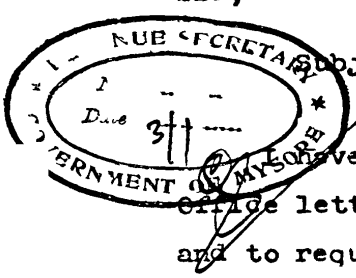
THE PRESIDENT
TOWN MUNICIPAL COUNCIL,
SHIMOGA



To

THE DEPUTY COMMISSIONER,
SHIMOGA DIST,
SHIMOGA

Sir,



Subject.- Levy of special Sanitary Cess in Shimoga Town Municipality

---

I have the honour to invite your kind reference to this office letter of even No dated 28-8-47 on the above subject and to request you kindly to obtain sanction of Government to the draft rules framed by the Municipal Council for the levy of Special Sanitary Cess at a very early date as it has become very difficult to improve the sanitation of the town without the introduction of the bye-laws

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- K Krishnappa

President,
Town Municipal Council,
Shimoga.

C1-84/44-45

Copy forwarded with compliments to the Secretary to Government Revenue and Local Self Government department for information Early orders of government in the matter are solicited

K Krishnappa

President,
Town Municipal Council,
Shimoga

Dr Cy
Dr
3-1-47

No M 3 C 075/46-47

Office of the Deputy Commissioner
Shimoga District,
Shimoga Dated, 30th Dec. 1947.

ML58-47-11

3679 Mill
3 JAN 1948
L S G BRANCH

To

The Secretary to Government,
Revenue Department,
BANGALORE

Sir,

Subject -Levy of Special Sanitary Cess in the Shimoga Town Municipality

Adverting to your letter No L 15762, dated, 10th May 1947 and subsequent reminders letter No L 11275, dated, 29-11-47, on the above subject stating that the legal opinion is to the effect that the provision made in Rule 3 for the stoppage of scavenging work in case of default to pay the cess without notice to the defaulter requires to be suitably modified etc, I have the honour to forward herewith in original the entire file of correspondence received from the Municipal President Shimoga in the matter vide Memo No C1 84/44-45 dated, 6-9-47 and to state as follows

The Municipal President states that the suggestions furnished by you vide your letter Dated, 10th may 47, referred to above were considered by the Municipal Council at their meeting held on 31-7-47 when a resolution was passed to the effect that the amendments proposed to the rules referred to might be adopted.

A copy of the resolution of the Municipal Council is forwarded herewith for favour of reference

The Municipal President requests that sanction of Government might be obtained to the draft rules

In the circumstances, I request that sanction of Government may kindly be obtained to the draft rules already framed by the Municipal Council Shimoga regarding levy of special Sanitary cess

The records sent with your letter under reference are forwarded herewith for favour of reference

REVENUE SECRETARY
No - -
Date 3-1-48
GOVERNMENT OF MYSORE

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Shimoga District

AMA

Pro.
3-1-48

Rules framed for the levy of Special Sanitary Cess in Shimoga Town Municipality for the removal of night soil from the private houses as per Sections 46(h) and 61(~~VIII~~ VII) of the Town Municipalities Act 1933

1 All the private latrines in Shimoga Town shall be got cleaned by the Municipal Scavenging Staff ~~only~~ maintained by the Municipality on payment of monthly salary

2 A special Sanitary Cess as per schedule noted below shall be paid by the owner or the occupier of the house where latrine ~~is~~ is arranged to be cleaned by the Municipal Agency

3 The special Sanitary Cess shall be payable in quarterly instalments to the Municipality and the default thereof shall entail in the stoppage of the scavenging work of the house of defaulter after giving ~~without~~ a fortnight's notice of such stoppage and action will be taken against the owner or occupier of the house

4 The Special Sanitary Cess will be entered against the name of the Khatedar whose duty it is to see that regular payment is made to the Municipality in time The payment will be received from the occupiers or tenants also if they are paid voluntarily but the responsibility of the khatedar does not cease if the occupier or the tenant fails to pay the Special Sanitary Cess

5 Failure of payment of Special Sanitary Cess shall have the same effect as failure of payment of Mohatarfa taxes and the Khatedar or owner of the house is responsible for the payment and his moveable properties are liable for being destrained as of other Mohatarfa taxes are due

S C H E D U L E

(Overleaf)

23/5/[illegible]

S C H È D U L E

Name of Tax	Classes of property liable	Rates at which classes are liable
Special Sanitary Cess	On all latrines conferred by the Municipality except those constructed at the cost of the Municipal Funds	(1) R. 0-4-0 for every month on each latrine attached to a private house assessed to a mohatarfa tax up to R. 5/- per annum (2) Rs 0-6-0 for every month on each latrine attached to each private house assessed to a mohatarfa tax of above Rs 5/- and below R. 10/- per annum (3) R. 0-8-0 for every month on each latrine attached to each private house assessed to a mohatarfa tax of above Rs 10/- and below R. 20/- per annum (4) Rs 1-0-0 for every month on each latrine attached to each private house assessed to mohatarfa tax above R. 20/- per annum (5) Rs. 2-0-0 for every month on each latrine attached to Government and Public Buildings

No C1-84/ue-48
Encls

OFFICE OF THE PRESIDENT
TOWN MUNICIPAL COUNCIL
Shimoga Dated 7th Feb 1948

7 FEB 48
4289
S C BRANCH

From

The President,
Town Municipal Council,
Shimoga

To

The Secretary to Government,
Revenue Department,
BANGALORE

Sir,

Sub - Levy of Special Sanitary Cess in Shimoga Town Municipality

- - - - - -

I have the honour to invite your kind reference to Shimoga District Deputy Commissioner's letter No 3679 I 3 c 3075/46-47 dated 30th December 47 on the above subject and to request you kindly to obtain sanction of Government to the rules framed under the Bye-laws

P T O

for the levy of Special Sanitary Cess in the Muni-
cipality

The above record is pending before ~~the~~ Govern-
rent from a long time and I request the favour of
orders of Government in the matter at an early
date

I have the honour to be,
Sir,
Your most obedient servant,

K Keshavappa

President,
Town Municipal Council,
Shimoga

S

Subd file bearing D No 3679 on the Subject referred to is before the Minister for L S & from 23-1-48 The return of the same with orders may perhaps be awaited

16/1/48 Br 14-2-48

Submitted in Continuation

Perused 16/2/48

96 10/2

Minister L S & 17/2/1948

Since received with orders. Maybe communicated

17/2/48

G R S App F VI—G 2]

SUBJECT

Diary No of letter replied to 379

Three copies

General and Revenue Secretariat

( )

the *194*

Section ML

File No 58-47

Serial No 12

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 19/2/ 1948

Signed by Mr. S R Rao

Read— 1) Correspondence ending with letter No M3 C 3075/46-47 from the Deputy Commr, Shimoga dated 20-12-47 forwarding for sanction the draft ~~bye-laws~~ rules framed by the Shimoga Town Municipal Council under Sections 46(h) and 61(VII) of the Mysore Town Municipalities Act ~~Order thereon—No~~ of 1933 for the levy of Special Sanitary Cess in the Shimoga Town Municipality

order No L/13659-618

The ~~bye-laws~~ rules are approved as appended to this order

19.2.48

May this be—

(i) printed ?

(ii) treated as a Standing Order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the Press ?

(vi) published in the Gazette Kannada Part ?

upon private latrines premises or compound cleaned by municipal agency

for Secy 21/1/48

To The D C Shimoga with (w R) South Director of Public Health in Mysore Camp Mdu

cs 21/1/48